

COMMISSIONERS APPROVAL

ROKOSCH *JER*

GRANDSTAFF *AG*

THOMPSON *AT*

CHILCOTT *CH*

DRISCOLL *JD*

PLETTENBERG (Clerk & Recorder)

Date.....November 28, 2007

Members Present..... Commissioner Jim Rokosch,
Commissioner Carlotta Grandstaff, Commissioner Alan Thompson, and Commissioner
Kathleen Driscoll

Minutes: Beth Perkins

Commissioner Chilcott attended the MACo JPA Trustee Retreat in Red Lodge.

The Board met to appoint applicants to the Planning Board, Fair Commission and Airport Advisory Board. **Commissioner Grandstaff made a motion to appoint Jan Wisniewski to the Planning Board for Darby representative with the term ending December 31, 2009. Commissioner Driscoll seconded the motion, all voted 'aye'.**

Commissioner Grandstaff made a motion to appoint Kathy Good to the Fair Commission with the term ending September 30, 2011. Commissioner Driscoll seconded the motion, all voted 'aye'.

Commissioner Grandstaff made a motion to reappoint Jim Trowbridge, Judith Stewart and Fred Hasskamp to the Airport Advisory Board with the term ending November 21, 2010. Commissioner Driscoll seconded the motion, all voted 'aye'.

Glenda discussed the upcoming terms on County Boards that are expiring the end of December.

The Board met with Debbie Harmon from Clerk of Court to discuss and decide employee grade status. Present was Human Resources Director Skip Rosenthal. Debbie gave an overview of the budget request. She stated she had requested her employees go up a grade status to fit the job description. The two front positions should go up a grade status because they are not doing any type of reception services. She stated the positions should be a grade 8 not 7.

Skip gave an update of the past requests from Debbie. He stated she did include it in the budget. She has one Grade 7, two Grade 8, two Grade 9 and two Grade 10 as in the budget.

Debbie requested an employee who had been working at a Grade 8 level but was being paid a Grade 7 to be paid back pay since September 12th. **The Board agreed.**

In other business the Board met for the following administrative issues: Minute Approval, Discussion of Employee Appreciation Hour, and Resolution for the trade of trucks. Glenda stated she has not received any corrected minutes back for approval. She requested the Board expedite the Planning minutes.

The Board discussed the Employee Appreciation Hour. **Commissioner Grandstaff made a motion to rescind Resolution No. 1253 regarding employee Appreciation Hour. Commissioner Driscoll seconded the motion, all voted 'aye'. Commissioner Grandstaff made a motion to adopt Resolution No. 2251 which will close County Offices at 3 p.m. on Christmas Eve and allow the employees the two hours of paid time, and should Christmas Eve fall on a weekend, it will be held the previous Friday or Monday. Commissioner Rokosch seconded the motion, all voted 'aye'.**

Commissioner Rokosch gave an overview of the Resolution No. 2250 for the trade of trucks for the Road Department. **Commissioner Grandstaff made a motion to adopt Resolution No. 2250. Commissioner Rokosch seconded the motion, all voted 'aye'.**

Commissioner Driscoll read a letter received for a request for a letter of support from the Board for Mental Health Group Home Crisis Center. **The Board agreed.**

The Board met with Road & Bridge Supervisor Dave Ohnstad for a discussion and decision on Winter Roadway Operations & Encroachment litigation, Middle Burnt Fork Encroachment (Twin Creeks Subdivision and Creek Side Subdivision). Also present was Citizen Tom Dobberstein.

Dave discussed off site fueling issues. He stated they have explored different options and have in the past used Right Express throughout the State. He explained how the program works and the tracking abilities of how much fuel is being used, where it is being fueled, and who is using it. He stated the Hamilton underground tank will be drained (used up) and then reevaluated against the program for the most financial efficient option. Dave explained the liability issues of having an onsite fuel tank as well as costly administrative aspects and spillage. The Road & Bridge Department would have an account and then any other county department wishing to have one would have to send in a separate application.

Dave then discussed the Winter Roadway Operations schedule. Commissioner Rokosch asked about the school route plowing. Dave replied there are more bus routes than plows.

The ideal is to get the routes plowed by the time the buses pick up but it is not possible. Commissioner Rokosch asked if the policy has been sent to the school districts. Dave replied in the past, yes. It is not intended to be a definitive plan. It comes down to discretion. Commissioner Rokosch stated he would like some attention to the more 'hazardous spots'. Dave stated he has one truck that goes from Stevensville to Florence and then one from Hamilton to Victor, and etc. Yes, he agrees within those routes there are hazardous areas. He stated someone is going to be first and someone is going to be last.

Commissioner Driscoll stated she had received a complaint on One Horse Creek Road regarding a county truck and a utility wire. Dave replied he is not aware anything was hit and he did not hear anything about it. Commissioner Driscoll asked about the four inches of snow requirement before plowing. Dave replied if you have an inch of snow on the ground you are wasting your time and resources, even two inches. The Road Foreman deals with it during the week on a discretionary manner. The 4" is simply a typical threshold to operate by. Commissioner Driscoll asked in regards to the bus routes and people going to work in the morning, if he is centering the maintenance more on the central roads. Dave replied it would be impossible to define who is using the road. There will be a few roads off of the Eastside Highway that are local access. When they are finished plowing the major roads they will do the local roads.

Commissioner Rokosch asked if the Board should adopt the Winter Roadway Operations. Dave replied yes particularly with new Board members. Commissioner Driscoll asked what are the top three complaints Dave hears in the winter. Dave replied a lot of it is on local minor roads and expectation of a higher level of service, mail boxes are the second, and lastly would be chips in people's windshields.

Commissioner Thompson discussed two car accidents from the last storm. He stated there was black ice.

Commissioner Grandstaff made a motion to adopt the Winter Roadway Operations schedule. Commissioner Rokosch seconded the motion. Commissioner Thompson discussed the higher expectations today of plowing and road maintenance. All voted 'aye'.

Dave discussed the access encroachment policy. He presented the Board with a copy of this policy along with the Montana Statutes. Civil Counsel Alex Beal stated the county is currently dealing with a violation that involves Meridian Road, whereby Tom Dobberstein built without an access without any permits. Alex sent Tom a letter in regard to obtaining a permit but Tom refused stating Meridian Road is not a county road but a state road. Alex stated it is a county access road and his next step is to file a complaint which would include removal of the driveway. Dave stated he sent Tom a letter in the spring (April) and then again this summer (July).

Commissioner Rokosch asked the cost of an access permit. Dave replied \$100 with certain standards to be met.

Commissioner Driscoll asked what type of permit this would fall under. Dave replied they do not know until it is evaluated. Alex stated he is not asking for an injunction, as this is a simple issue.

Commissioner Rokosch opened the floor for public comment.

Tom Dobberstein stated this has been going on for three years. He stated he modified an existing pond and the only use is for fire trucks. The road or drive will be gated off as it is not for personal access. He stated there are some real issues and questions about this as he was told by the Road Department they were going to 'rip out' his fencing for road improvements when there wasn't an existing easement. Tom stated this is a gray area and no one has tried to mitigate it. In 2005, the residents along the road were asked by the Road Department to rededicate the road from Bear Creek north. No one was even asked from Bear Creek to the south. He asked why the road is being treated differently from the north than the south. To him six acres of ground is not a minor consideration. It will be a political decision not a court decision. He stated a local minor access road is now being considered a state highway. He felt going to the County Attorney's Office for a legal opinion is a good idea. Alex replied road law is 'muddy' in Montana as the statutes that talk about encroachments and access to the roads do not specify county roads but rather highways. Tom asked if the Board has authority to require this and make these modifications. He recommended the Board take a look at his property.

Dave replied in regard to the illegal encroachment, if a permit had been obtained the issue would have been solved. Commissioner Grandstaff asked why Tom had not obtained a permit. Tom replied it is his property and he does not believe he needs one. He then pointed out on a map where his property boundaries are. Commissioner Grandstaff asked what the purpose of the permit was. Dave replied for safety use of emergency vehicles. Tom stated it is in the AASHTO requirements. He also stated every time he addresses this with the Road Department they never meet a resolution. He stated he received a letter addressed to his wife from Alex threatening litigation.

Commissioner Grandstaff asked Tom what he thought the remedy would be. Tom replied the Road Department should come out and look at the drive. Dave stated Tom can simply fill out the one page form and the county would waive the fee. At that point they would have recommendations.

Commissioner Rokosch asked about requesting an Attorney General's opinion. Alex replied the Attorney General's opinion is going to be complicated. It would be a road by road instance. Board discussion followed regarding the options on this matter rather than litigation.

Commissioner Grandstaff suggested they have a surveyor go out and look at the access. Dave stated Tom needs a permit on file. It is a one page form that does not take any time to fill out. Commissioner Grandstaff asked if a county surveyor made sure it meets the county standards and there is a permit on file, would that be an acceptable solution? Tom

replied yes. He questioned the fee. Dave replied he would waive the fee. He stated they never said he couldn't have it just that he needed a permit. Tom agreed to comply with the permit process.

Commissioner Thompson stated the previous Civil Counsel determined some roads in the county are not county roads and Tom is correct in regard to addressing the roads in a certain way. He stated the county has researched roads and find there are many discrepancies. He gave an example of a past decision and an overrule by the Board. Discussion followed regarding various county roads.

Dave stated the issue of Meridian Road began with direction from the Board to do maintenance. He then discussed the problem in detail. He stated what they plan to do now is finish Bear Creek Road to the highway.

Alex stated there is a four step process for the adoption of a road. What happens if you miss a step? The county does not know if this road was adopted or not and there is a question of the petition which is what they need from the Attorney General's Office.

Dave stated they have an access approach encroachment permit from Twin Creeks Subdivision. They have issued a preliminary approach permit. Commissioner Rokosch stated this issue is complex and the county is seeing more development near the towns that are slated for annexation. Commissioner Rokosch discussed the fact that the Town of Stevensville approved a subdivision that is not in Stevensville. Alex replied they are pursuing annexation and those annexations are out of the county's hands. Commissioner Rokosch noted if the property comes to the county it would be subject to the county regulations. He also noted it is his understanding they would have to bring Middle Burnt Fork Road up to county standards, which basically sticks the county with the liability of the road. Dave stated even if the Town of Stevensville did not require a traffic study, the county could. Alex stated he will contact Missoula County and ask them what methods they are using. Commissioner Rokosch asked how this land would not be part of zoning. Alex replied it comes down to annexation. Discussion followed regarding annexation. Dave presented a letter stating they are not going to issue a permit until they see a traffic impact study.

Dave stated they also have Creekside Meadows Subdivision permit. In 2003 they were granted a preliminary approach permit that has since expired. He explained the problem with the access being the area of the approach. He stated the traffic will increase when vehicles utilize Logan Lane rather than going through town. The approach permit they are requesting is within two hundred feet and the standards are 600 to 900 feet (AASHTO). Dave stated the Road Department will not grant the permit. Alex stated he can see both sides of this argument. Discussion followed regarding litigation. Dave stated the Encroachment Policy is there for a good reason. Alex stated whenever an approach permit request is made it should be reviewed under the new subdivision regulations.

Dave discussed the State Route 203 Improvement Project. He requested a letter of support. **Commissioner Grandstaff made a motion to execute the letter of support.**

Commissioner Rokosch seconded the motion, all voted 'aye'. The Commissioners Office will distribute the letter with a signed copy to the Road & Bridge Department.

Dave stated he has a request for reclassification for his office assistant position. He discussed the progression of the duties expanding. He requested Board approval. Commissioner Grandstaff asked why this request is coming after the budget has been set. Dave replied Skip had brought it forward but has not been approved because it required a revised job description. **The Board agreed to this reclassification.**